

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JOSE MARTIN AMAYA

Plaintiff,

vs.

**BRIAN LUDLOW and
TLP TRUCKING, LLC**

Defendants,

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CIVIL ACTION NO. 4:16-cv-1936

JURY TRIAL REQUESTED

DEFENDANT'S NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISCTRICT JUDGE:

COMES NOW, **TLP TRUCKING, LLC**, Defendant in the above-entitled and numbered cause and file this Notice of Removal under 28 U.S.C. § 1446(a).

A. Introduction

1. Plaintiff, **JOSE MARTIN AMAYA**, is a resident of Harris County, Texas and is represented by attorney Paul T. Bowers of The Bowers Law Group, 9894 Bissonnet St., Suite 110, Houston, Texas 77036. Defendant, **TLP TRUCKING, LLC** is a company organized in the State of Utah and is represented by attorney Tracey R. Burrridge, David Klosterboer & Associates, 4650 Westway Park Blvd., Ste. 150, Houston, Texas 77041. Defendant, **BRIAN LUDLOW**, is an individual and is a resident of the State of Utah.

2. On May 12, 2016, Plaintiff sued Defendants for personal injuries and damages related to an automobile accident that occurred on May 12, 2014 in Houston, Harris County, Texas. Plaintiff sued Defendant, Brian Ludlow based on allegations of negligence in causing the accident. Plaintiff sued Defendant, TLP Trucking, LLC based on allegations of negligent entrustment. Plaintiff has sued for monetary relief of \$100,000.00 or less. Additionally, Plaintiff

alleges monetary damages for property damage, medical expenses, pain and suffering, loss of companionship and society, physical impairment, mental anguish and lost wages.

3. Defendant TLP Trucking, LLC was served by delivering the citation and petition to its representative, Joe Ostmeier on June 1, 2016. Defendant TLP Trucking, LLC files this Notice of Removal within the 30-day time period required by 28 U.S.C. § 1446(b).

B. Basis for Removal

4. Removal is proper because there is complete diversity between the parties. 28 U.S.C. § 1332(a); *Darden v. Ford Consumer Fin. Co.*, 200 F3d 753, 755 911th Cir. 2000). Plaintiff is a citizen of Harris County, Texas. Defendant, Brian Ludlow is a resident of Utah. Defendant, TLP Trucking, LLC. is a company organized in Utah. The amount in controversy allegedly exceeds \$75,000.00, excluding interest and costs. Plaintiff claims personal injuries and damages. Therefore, Plaintiff's alleged damages exceed the jurisdictional limits set forth in 28 U.S.C. § 1332(a).

5. All pleadings, process, orders and other filings in the state court action are attached to this notice as required by 28 U.S.C. § 1446(a). (Plaintiff's Original Petition, Request for Disclosure, Request for Interrogatories, Request for Admissions and Request for Production; Order of Trial Setting; and Defendants' Original Answer, Request for Disclosure and Jury Demand)

6. Venue is proper in this district court under 28 U.S.C. § 1441(a) because the state court where the action has been pending is located in this district and division.

7. Defendants will promptly file a copy of this Notice of Removal with the Clerk of the state court where the action has been pending.

C. Jury Demand

8. Defendant hereby demands a jury trial.

D. Conclusion

9. This Court has the proper jurisdiction over this matter as there is a complete diversity of the parties and the amount in controversy exceeds \$75,000.00, excluding interest and costs. For these reasons, Defendants ask the Court to remove this action to this federal court.

Respectfully submitted,

/s/ Tracey R. Burridge

TRACEY R. BURRIDGE

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ATTORNEY FOR DEFENDANT,

TLP TRUCKING, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing instrument has been forwarded to all known counsel of record as listed below by facsimile transmission on this the 30th day of June, 2016.

Via E-Service: info@paulbowerslaw.com

Paul T. Bowers

The Bowers Law Group

9894 Bissonnet St., Suite 110

Houston, Texas 77036

/s/ Tracey R. Burridge

TRACEY R. BURRIDGE